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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,562	02/08/2006	Yosuke Haruna	HARU3003/JC/PMB	6636
23364 7590 05/11/2010 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
WILSON, LEE D				
ART UNIT		PAPER NUMBER		
3727				
MAIL DATE		DELIVERY MODE		
05/11/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/567,562

**Applicant(s)**

HARUNA, YOSUKE

**Examiner**

LEE D. WILSON

**Art Unit**

3727

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/31/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Prosecution Reopened***

1. In view of the APPEAL BRIEF filed on 8/31/09 PROSECUTION IS HEREBY REOPENED. NEW GROUNDS OF REJECTION set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Monica S. Carter/

Supervisory Patent Examiner, Art Unit 3727

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley (4059036) in view of Rabe (5168623) and Yonezawa et al (6527266).

Hartley shows a clamping apparatus having a central pillar 5 having an inclined outer surface, an annular intermediate member 2 having a straight outer surface and an inclined inner surface, and a pull member 7,4,1 connected to the annular intermediate member 2 substantially at all times.

Hartley has some relative movement between the several assembled parts of the pull member (eg., 7, 4, 1,2) and the intermediate member. However, Rabe teaches at Figure 5 that there is no relative axial movement between parts 17, 16 and intermediate and 18. In view of the teachings of Rabe it would have been obvious to provide an integral construction between members 7, 4, 1, and 2 such that there is no relative axial movement between these members. One skilled in the art would have been motivated to do this in order to simplify the construction of the clamping apparatus. It would be obvious for one skilled in the art to select either component or integral construction commensurate with the such factors as simplifying construction, making construction cheaply, and adding strength to the construction.

Yonezawa ('266) teaches that it is desirable to provide fluid flow to the outer surface of the intermediate member 23 by means of a variety of fluid passage 42 50, 52, 53, 56, 57. To provide a fluid flow to any surface that contacts another surface such as

the outer surface of the intermediate member 15 of Harley would have been obvious in view of the broad teachings of Yonezawa ('266). To accomplish this it would have been obvious for one skilled in the art to provide such fluid communications holes anywhere through any structure to communicate with the a desired surface such as the outer surface of the intermediate member 15. For example one skilled in the art could obviously provide the necessary communication hole by means of a hole through the intermediate member that would communicate with groove 65 adjacent the inside of the intermediate member in order that fluid flow would flow to the outer surface of the intermediate member. One skilled in the art would have been motivated to do this in order to clean all moveable mating surfaces to enhance precision. The details of achieving the fluid flow whereby fluid holes are constructed in any moveable member of the clamp supra is considered to be an obvious application of the general teaching of Yonezawa ('266). Since the central pillar in Yonezawa projects from a reference surface, it would similarly be obvious to project the central pillar of Harley from some reference surface in order to provide stability and a support for the pillar. Given the broad teachings of Yonezawa et al, of providing a fluid hole to a surface for cleaning that surface it would have be obvious for one skilled in the art to provide fluid holes anywhere to reach a surface that one wishes to clean. One skilled in the art would not be somehow confounded at the prospect of directing a fluid hole to a surface that needs cleaning because this is well within the skill of one versed in this art.

***Response to Arguments***

**3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.**

- a. The examiner is no longer using official notice because the art in view of KSR teaches the invention.

**4. Applicant states that the rejection is invalid because the proposed combination of the *Hartley*, *Rabe*, and *Yonezawa* patents fails to disclose at least a pull member connected to an intermediate member substantially at all times in a manner to prevent relative axial movement between the pull member and the intermediate member, as required by pending claim 1.**

- a. The claims states substantially connected at all times which means there are some disclosed times when they will not be connected. Therefore since some movement is allowed the reference is not destroyed.

**2. Applicant states that the prior art is modified and destroyed as seen on page 14.**

- b. The reference does not have be in contact at all times but on substantially. If the appellant an had meant always the claim would not provide for situations where some substantial movement could occur.

**3. Applicant states that a person skill in the art would not have combined the current references as seen on pages 15-18.**

c. The device calls for a clamping apparatus which can be anything. Appellant argues a collet member which does not appear in claim 1 as a collet. The term collet is being argued but it is not claimed so arguments are off point.

d. The claim is not narrowed to the point where a collet and pallet clamping device is required as shown in the art and yet still Yonezawa shows a collet and pallet being clamped.

E. The bases of the arguments is point to the substantially connected at all times. The applicant should not have broadened the claim with substantially if patentability depended on the parts not moving.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw

/LEE D WILSON/  
Primary Examiner, Art Unit 3727

May 6, 2010